UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

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LEE BATCHELDER, derivatively on behalf of IMPERIAL SUGAR COMPANY,

Plaintiff,

v.

JOHN SHEPTOR, JOHN K. SWEENEY, JAMES J. GAFFNEY, RONALD C. KESSELMAN, GAYLORD O. COAN, DAVID C. MORAN, JOHN E. STOKELY, LOUIS DREYFUS COMMODITIES LLC, LD COMMODITIES SUGAR HOLDINGS LLC, LOUIS DREYFUS COMMODITIES SUBSIDIARY INC.,

Defendants,

and

IMPERIAL SUGAR COMPANY,

Nominal Defendant.

Civil Action No. 4:12-cv-01648

DEMAND FOR JURY TRIAL

AGREED STIPULATION AND ORDER OF DISMISSAL

Pursuant to Federal Rules of Civil Procedure 23.1(c) and 41(a)(1)(A)(ii), Plaintiff Lee Batchelder files this agreed stipulation of dismissal with prejudice of all claims and causes of action asserted in this lawsuit, with all parties to bear their own costs and fees. By the signatures of their counsel below, all Defendants have noted their agreement to this stipulation of dismissal.

WHEREFORE, Plaintiff prays that all claims asserted in this lawsuit be dismissed with prejudice, and that each party bear its own attorneys' fees and costs.

IT IS SO ORDERED.

Agreed Stipulation and Order of Dismissal

SIGNED at Houston, Texas on this 28 day of June, 2012.

Agreed Stipulation and Order of Dismissal

Agreed to and stipulated by:

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